

IN RE: 18 USC §4248 - "AS APPLIED" TREATMENT

TO: THE HONORABLE TERENCE W. BOYLE, U.S. DISTRICT JUDGE

FILED

Dear Judge Boyle,

NOV 2 2010

DENNIS P. IAVARONE, C.  
US DISTRICT COURT, E.  
BY DEF CLK

Sir, I am writing to inform you of various actions I am being forced to endure, unchallenged, even after your March 31, 2010 decision in Timms v. Jones No 5:08-HC-21160-BO in which §4248 "as applied, in all aspects are in fact criminal.

Enclosed, you will find a copy of the "Formal Complaint" to Mr. Tracy Johns, Warden, in the above titled complaint.

I am, once again in Solitary Confinement, as an incident report for "Introduction of a Non-hazardous tool" was issued to me after refusing to receive legal mail on 10/12/10. The "General Affidavit" I sent to Andrew Tripp is as follows, verbatim;

**"GENERAL AFFIDAVIT"**

For Submission To Disciplinary Hearing Officer, Mr. Elsie.

I was taken from the lunch meal on 10/13/10 by Secretary Janet Walker to the ISH area for legal mail. This has never happened before so I immediately knew something was going on, some type of set-up. As soon as we entered the old mail room I informed J. Walker and Mrs. Gregory I refused this package. She, (Mrs. Gregory) wrote on the legal mail log I refused

this legal mail, but then proceeded to open the package and stated "you cannot have metal clips." I again stated "I have refused this legal mail, why are you opening it and not returning it?" J. Walker stated, "Shut up, it's yours, we're not sending anything, anywhere, but you to the hole." I was taken to the door and ordered to sign that it was opened in my presence, but I refused to do so, and said, "I refused it before you opened it." I was then escorted to the Maryland Unit by ofc. Shaw. Shortly thereafter Bill Gru, Lt. Fernandez, J. Walker, and ofc. Shaw came to my room & stated I was being placed in SHU. After requesting the telephone, ofc. Shaw in SHU, said SIS had told him not to give me the phone even before I had seen any type of UDC or DHO to prevent me from contacting legal counsel.

THE ABOVE STATEMENT IS MADE TO THE REST OF MY  
KNOWLEDGE AND BELIEF UNDER PENALTY OF PERJURY 18 USC §  
PERJURY OF PERJURY, THIS 11<sup>th</sup> Day of October 2010.

*Gerald Linn*  
FCI Butner I - SHU Unit  
P.O. Box 1000  
Butner, N.C. 27509

I was before the Unit Disciplinary Committee on October 14<sup>th</sup>, 2010 and the incident report was referred to the Disciplinary Hearing Officer with recommended sanctions of 30 days disciplinary segregation, and loss of one (1) year e-mail, telephone, visiting and commissary privileges which is outside any guideline range for this type of violation even for a convicted prisoner.

The issue is simply this:

1. I REFUSED THIS LEGAL MAIL.
2. ANY PROCESS OTHER THAN RETURNING THE MAIL TO THE SENIOR STAFF HAVE IMMEDIATELY STOPPED.
3. THIS ACT BY THESE STAFF MEMBERS IS RETALIATORY AND ILLEGAL.
4. I HAVE THE RIGHT TO REFUSE ANYTHING, LEGALLY SINCE I AM NOT A CONVICTED PERSON.

- THE RELIEF SOUGHT -

The relief I seek is for this report and sanctions be expunged from my file and all privileges be immediately restored, and if I am still in solitary confinement that Tracy Johns be ordered to immediately release me, upon your receipt of this "letter". I ask that you contact Mr. Johns to ascertain if any of these things has occurred and if so, correct them.

- 3 -

I also request that Secretary Janet Waltrip  
and Mrs. Gregory be disciplined and this incident be  
thoroughly investigated, as well as myself and  
other detainees be released as proof of treatment and  
application of this law.

Please respond to this letter.

Respectfully Submitted,

Gerald Timms  
FBI Bureau I  
P.O. Box 1000  
Bethesda, N. C.

27509